

AMENDED IN SENATE APRIL 21, 2003

AMENDED IN SENATE APRIL 7, 2003

SENATE BILL

No. 892

Introduced by Senator Murray

(Coauthors: Senators Kuehl, Romero, Soto, and Vincent)

(Coauthors: Assembly Members Diaz, Lieber, Longville, and Yee)

February 21, 2003

An act to add Section 35292.5 to the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 892, as amended, Murray. Public school restrooms.

Existing law provides for the maintenance and repair of school facilities by school districts.

This bill would require every school in a school district to have restroom facilities that are open at all times during school hours, maintained and cleaned regularly, fully operational, and stocked at all times with soap and paper supplies. *The bill would require each city or county health department to develop a plan for regular inspections of the school restroom facilities in its jurisdiction to ensure compliance with these standards. The bill would authorize a pupil, the parent or guardian of a pupil, or a school employee to request an inspection of any school restroom facility be conducted by the appropriate local health official.* To the extent that this bill imposes additional duties on school districts, *and by increasing the duties of city and county health officials,* the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35292.5 is added to the Education Code,
2 to read:

3 35292.5. ~~Every~~ (a) *Notwithstanding paragraph (3) of*
4 *subdivision (f) of Section 118505 of the Health and Safety Code,*
5 *every* restroom facility in each school in a school district shall be
6 open at all times during school hours, maintained and cleaned
7 regularly, fully operational, and stocked at all times with toilet
8 paper, soap, and paper towels or hand dryers, and contain the
9 minimum number of fixtures, as required by the State Architect
10 pursuant to existing law.

11 (b) *To ensure compliance with the standards set forth in*
12 *subdivision (a), each city or county health department shall*
13 *develop a plan for regular inspections of the school restroom*
14 *facilities in its jurisdiction.*

15 (c) *A pupil, parent or guardian of a pupil, or school employee*
16 *may request an inspection of any school restroom facility be*
17 *conducted by the city or county health department that has*
18 *jurisdiction over the geographical area in which the schoolsite is*
19 *located.*

20 SEC. 2. Notwithstanding Section 17610 of the Government
21 Code, if the Commission on State Mandates determines that this
22 act contains costs mandated by the state, reimbursement to local
23 agencies and school districts for those costs shall be made pursuant
24 to Part 7 (commencing with Section 17500) of Division 4 of Title
25 2 of the Government Code. If the statewide cost of the claim for
26 reimbursement does not exceed one million dollars (\$1,000,000),

1 reimbursement shall be made from the State Mandates Claims
2 Fund.

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